

## Message Text

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ORIGIN L-03

INFO OCT-01 EA-07 ISO-00 CIAE-00 PM-04 H-02 INR-07 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01 /055 R

DRAFTED BY L/EA:PNORTON:KA

APPROVED BY EA:RHMILLER

PM/ISO:JSCOTT (DRAFT)

DOD/ISA/FMRA:PEBARRINGER (DRAFT)

EA/PHL:BAFLECK

EA/PHL:JELAKE

----- 006686

R 160203Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY MANILA

SECDEF WASHDC

JCS WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL

CG 13TH AF

C O N F I D E N T I A L STATE 229138

MANILA FOR USDEL, CINCPAC ALSO FOR POLAD

E.O. 11652:GDS

TAGS: MARR, RP

SUBJECT:PHILIPPINE BASE NEGOTIATIONS: CLAIMS

REFS: A. MANILA 12106 USDEL 201, B. STATE 197319,

C. MANILA 10810 USDEL 152

1. WE SHARE CONCERNS EXPRESSED IN REF A AND WISH TO MINI-  
MIZE RISK OF LOSING GOP CONCURRENCE TO EITHER OR BOTH  
EXEMPTION FROM NO-FAULT INSURANCE AND THE MORE GENERAL  
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PROVISIONS OF PARA 1. WE BELIEVE DIFFICULTIES MAY BE

OBVIATED BY FOLLOWING REDRAFT OF PARA 2: QUOTE

"2. IN RECOGNITION THAT THE U.S. AGREES TO SETTLE AND PAY SUCH MERITORIOUS CLAIMS ARISING FROM THE OPERATION OF MOTOR VEHICLES OWNED AND OPERATED BY UNITED STATES FORCES IN ALL CIRCUMSTANCES IN WHICH THE PHIL MOTOR VEHICLE NO-FAULT INSURANCE LAW PROVIDES A REMEDY, THE U.S. SHALL NOT BE REQUIRED TO SECURE NO-FAULT OR OTHER FORMS OF INSURANCE FOR MOTOR VEHICLES OWNED AND OPERATED BY UNITED STATES FORCES."

2. THIS FORMULATION WOULD MAKE THE U.S. OBLIGATION IN THIS PARA PRECISELY CONGRUENT WITH PHIL LAW AND WOULD SEEM THEREFORE TO BE COMMENSURATE WITH THE GRANT OF AN EXEMPTION FROM THE APPLICABILITY OF THAT LAW. IT WOULD, IN EFFECT, STILL OBLIGATE THE UNITED STATES TO PAY ANY CLAIM RELATED TO A U.S. MOTOR VEHICLE WITHOUT PROOF OF NEGLIGENCE OR FAULT. BY NOT ACTUALLY MENTIONING NEGLIGENCE OR FAULT, HOWEVER, IT WOULD HOPEFULLY AVOID THE SUGGESTION TO WHICH THE PHILS OBJECTED IN LAST DRAFT (REF A), THAT U.S. INTENDS TO CONFINE PAYMENT OF MERITORIOUS CLAIMS WITHOUT REGARD TO NEGLIGENCE OR FAULT TO MOTOR VEHICLE CASES UNDER PARA 2. AT THE SAME TIME IT AVOIDS THE CONVERSE SUGGESTION IN USDEL DRAFT THAT THE U.S. IS OBLIGATING ITSELF TO PAY ANY AND EVERY CLAIM WITH NO REGARD TO NEGLIGENCE OR FAULT WHATSOEVER.

3. FYI. CONTRARY TO PARA 3, REF A, USDEL DRAFT IS NOT REPEAT NOT ORIGINAL U.S. PROPOSAL, WHICH STATED THAT IN RECOGNITION THAT U.S. LAW PERMITTED US TO PAY CLAIMS WITHOUT REGARD TO NEGLIGENCE OR FAULT, WE WERE GRANTED THE EXEMPTION. THIS IS QUITE DIFFERENT FROM AN AFFIRMATIVE OBLIGATION TO PAY EACH AND EVERY CLAIM WITHOUT REGARD TO NEGLIGENCE OR FAULT. END FYI. ROBINSON

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CLAIMS, MILITARY BASES, NEGOTIATIONS, GROUND VEHICLES, INSURANCE LAW  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 16 SEP 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ElyME  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE229138  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** PNORTON:KA  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760349-0379  
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**Office:** ORIGIN L  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** 76 MANILA 12106, 76 STATE 197319, 76 MANILA 10810  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ElyME  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 03 JUN 2004  
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**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PHILIPPINE BASE NEGOTIATIONS: CLAIMS  
**TAGS:** MARR, ELTN, RP, US  
**To:** MANILA DOD JCS MULTIPLE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006